

REMARKS/ARGUMENTS

The Applicant notes with appreciation the acknowledgement of Claims 17, 32-37 and 45-58 as having allowable subject matter.

Obviousness Rejections

The Office Action improperly rejected Claims 1-16, 18-31, 38-44 and 59-62 as being unpatentable over Allen, or Allen in view of Stanwood, Cinkler, Czerwiec, Kay, and/or Feder.

The Applicant submits that the Office has failed to establish a *prima facie* case of obviousness. The Office's rejections fails to provide a teaching reference or as proper motivation, in accordance with the Law.

The Office's Rejections are premised on a conclusory statement that it would be obvious to replace the wireline system of Allen with a point to multipoint wireless system since doing so would allow the use of mobile devices.

The Applicant submits that the rejection lacks a proper teaching as well as a proper motivation.

The Applicant notes that the mere possibility that conceptually a wireline system can be replaced with a wireless system is not a substitute for a teaching of such as required in 35 USC §103.

Furthermore, the motivation proffered regarding the use of mobile devices is

improper, in that the actual teachings of Allen regarding path restoration in a multi node information system would be inoperative with respect to mobile devices.

The modification of Allen to a wireless system would not satisfy the motivation, thus the motivation cannot support the modification.

As is shown below, modifying Allen into a wireless system for the purposes of serving mobile devices would effectively render Allen imperative. Allen's purpose is a routing communications network that routes information through a plurality of nodes from a source node to a destination node. Allen states:

"This routing is accomplished within the network by the ability of each node 101 to perform a one-of-many switching function, that is, to accept data entering along one link and send the data out along a different link. Under normal circumstances, the switching within each node is directed by some overall network routing logic commonly understood by those skilled in the art." (Col. 4, ll.58-65)

Allen describes this normal routing in the Background where a centralized database contains information on the network topology or a distributed system uses information about its adjacent nodes. Allen states:

"This central database contains information regarding the overall network topology, preplanned actions in response to specific failures, or both." Col. 1, ll. 52-54

and

"a distributed restoration approach does not use a centralized database but instead relies upon node logic acting upon local information via connections to adjacent nodes" Col. 1, ll. 62-64

To modify Allen for the purpose of serving mobile devices would require almost infinite updates to the centralized database regarding the ever-changing network topology and as Allen states the need for constantly updating the database and the delay associated therewith is detrimental. Additionally with a distributed approach, the adjacent nodes would not be fixed and thus the local information would also need to be constantly updated.

In the operation of Allen's restoration network, the network assigns paths representing a route through several nodes and each path has a unique identifier or ID. In a system with mobile nodes, these IDs would become irrelevant since the juxtaposition of each node to other nodes would constantly be changing. (See Col. 5, ll. 5-43)

In addition each node contains a table of the restoration paths identified by IDs.

Allen states:

"Each node in the network contains a restoration table for maintaining data regarding the restoration status of network 200. The restoration table for node E of network 200 is presented in table 1 below.... The first column, labeled 'Path ID', contains the path ID" Col. 6, l. 65-Col. 7, l. 4.

as noted above such path IDs would be useless, as the paths would constantly be changing. Modifying Allen for the purpose of serving mobile devices would frustrate Allen's purpose. And thus Allen's network would be incapable of operation as disclosed.

Therefore, the motivation engineered by the Office to modify Allen into a wireless system goes against all the teachings of Allen and is thus improper.

Therefore, Allen, at least for the reasons enumerated above, specifically alack of

teaching and lack of a proper motivation, cannot be a basis for rejecting the point to multi point wireless system in the present claims.

Neither Stanwood, Cinkler, Cxerwicz, Kay, or Feder can remedy the fatal deficiencies of Allen.

All the rejections are premised on modifying Allen to a wireless system with a motivation to serve mobile devices, the modification of Allen to a wireless system would not satisfy the motivation, and thus the motivation cannot support the modification.

There is no teaching to modify Allen to a wireless system, and the motivation provided by the Office would render the Allen inoperative.

The rejections based on Allen must be withdrawn.

Conclusion

There is no teaching for modifying Allen to a wireless system, further the motivation stated by the Office renders Allen as disclosed inoperative. Therefore, no prima facie case of obviousness can be established.

The Applicant requests withdrawal of the rejections and allowance of the application including Claims 1-62.

Respectfully submitted,



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